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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,127	08/03/2001	Christian Kraft	367.40414X00	6446
20457	7590	04/22/2004	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-9889			PEACHES, RANDY	
			ART UNIT	PAPER NUMBER
			2686	

DATE MAILED: 04/22/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/921,127

Applicant(s)

KRAFT, CHRISTIAN

Examiner

Randy Peaches

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2&3/11-15-2001</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. ***Claim 1*** is rejected under 35 U.S.C. 102(e) as being anticipated by King et al (U.S. Patent Number 5,953,541).

Regarding ***claim 1***, King et al discloses in column 9 lines 10-15, a method of entering data into a disambiguous system (50) using keystrokes, where text is displayed on a computer display (53), which reads on claimed "entering characters into a text string by means of a non-ambiguous word editor, wherein

- a user is providing a key stroke by pressing one of the data entry-keys (56), which reads on claimed "alpha-numeric keys", for selecting a character group comprising letters, numbers, and other symbols, hereinafter referenced as "characters", which reads on claimed "plurality of characters for entering a desired character", included in this group. See columns 3, 9, 12 lines 20-25 lines 48-56 lines 5-25, respectively.

- a character from said character group is displayed upon detection of the keystroke. See column 9 lines 58-60.
- the user is allowed to scroll through the characters included in the character group for appointing the desired character, and (See column 4 lines 55-64)
- the user selects the appointed character to be inserted into the entered text. (See column 22 lines 30-44).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. ***Claims 2-9*** are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al (U.S. Patent Number 5,953,541) in view of Walker (U.S. Patent Number 6,528,741 B2).

Regarding ***claim 2***, King et al discloses in column 9 lines 10-15, a method of entering data into a disambiguous system (50) using keystrokes, where text is displayed on a computer display (53), which reads on claimed "entering characters into a text string by means of a non-ambiguous word editor, wherein

- a user is providing a key stroke by pressing one of the data entry-keys, which reads on claimed "alpha-numeric keys", for selecting a character group comprising letters, numbers, and other symbols, hereinafter referenced as "characters", which reads on claimed "plurality of characters for entering a desired character", included in this group. See columns 3 and 9 lines 20-25 lines 48-56, respectively.
- a character from said character group is displayed upon detection of the keystroke. See column 9 lines 58-60.
- the user is allowed to scroll through the characters included in the character group for appointing the desired character, and (See column 22 lines 30-44)
- the user selects the appointed character to be inserted into the entered text. (See column 22 lines 30-44).

However, King does not disclose wherein the user presses one alphanumeric key on a wireless telephone in order to provide said keystroke for selecting a character group.

Walker discloses in column 1 lines 8-14, 38-47, of a mobile telephone, which reads on claimed "wireless telephone", with a character selecting means for selecting characters for entry into the device.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of King et al (U.S. Patent Number 5,953,541) to include Walker (U.S. Patent Number 6,528,741 B2) in order to allow a user to selectively input characters for a desired text string in a mobile telephone.

Regarding **claims 3 and 8**, as the above combination of King et al (U.S. Patent Number 5,953,541) and Walker (U.S. Patent Number 6,528,741 B2) are made, the combination according to **claims 1 and 2**, wherein Walker further teaches in the Abstract and column 1 lines 55-67 and FIGURE 1, of a first key (3) used in conjunction with a second keys (2), used to scroll through characters step by step.

Regarding **claims 4 and 9**, as the above combination of King et al (U.S. Patent Number 5,953,541) and Walker (U.S. Patent Number 6,528,741 B2) are made, the combination according to **claim 1**, wherein Walker further teaches in the in column 2 lines 32-47, where the user is able to utilize the said first (3) and second key (2), with distinctive strokes utilizing both hands, to select desired characters.

Regarding **claim 5**, as the above combination of King et al (U.S. Patent Number 5,953,541) and Walker (U.S. Patent Number 6,528,741 B2) are made, the combination teaches of a mobile telephone with text editing capabilities, which reads on claimed "text-editing terminal", comprising:

- a miniaturized keyboard/keypad, as taught in Walker FIGURE 1 column 1 lines 15-20, for entering characters into a text, said keypad has at least a plurality of character entry keys having respective groups of characters assigned. See Walker, FIGURE 1;
- a display (4) for displaying the entered text; See Walker, FIGURE 1 column 1 lines 56-57.

- a first key (3), which reads on claimed "scroll key", for appointing one of the characters in said respective groups of characters, and;
- selection means for selecting the appointed character to be inserted into the entered text. See Walker column 2 lines 26-31.

Regarding **claim 6**, as the above combination of King et al (U.S. Patent Number 5,953,541) and Walker (U.S. Patent Number 6,528,741 B2) are made, the combination according to **claim 5**, further discloses in Walker's column 1 lines 8-14, of a mobile telephone having email functionality, which reads on claimed "text messaging application".

Regarding **claim 7**, as the above combination of King et al (U.S. Patent Number 5,953,541) and Walker (U.S. Patent Number 6,528,741 B2) are made, the combination teaches of a mobile telephone (1), as disclosed in Walker column 1 lines 8-14, 38-47, with text-editing application comprising:

- a keypad with a plurality of second keys (2) with a group of character assigned to each. See Walker, FIGURE 1.
- a display (4) for displaying the entered text; See Walker, FIGURE 1 column 1 lines 56-57.
- a first key (3), which reads on claimed "scroll key", for appointing one of the characters in said respective groups of characters, and; See Walker column 2 lines 26-47.

- selection means for selecting the appointed character to be inserted into the entered text. See Walker column 2 lines 26-31.
- Keystroke sequence, which reads on claimed "predictive editor", for providing word candidates, as taught by King et al in column 11 lines 30-52, in dependence of a sequence of keystrokes provided by the user by pressing one or more of said plurality of data keys (56), as disclosed by King in column 12 lines 5-25.
- the disambiguating system, as taught by King in column 9 lines 48-60, for providing character candidates in dependence of a single key stroke provided by the user by pressing one of said plurality of character entry keys. See King, column 4 lines 55-64.

Double Patenting

Claim 9 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 4. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy Peaches whose telephone number is (703) 305-8993. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Randy Peaches
April 19, 2004

Nguyen Vo
4-19-2004

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PRIMARY EXAMINER